

REMARKS

Status of the Application

Claims 1, 2, 4-9, 11, 12, 14-19, and 21-23 are all the claims pending in the application.

By this Amendment, Applicant amends claims 1, 4, 11, 14, 15, and 23 to further clarify the unique features set forth therein. In addition, Applicant rewrites claim 2 into its independent form.

Objection to the Disclosure

The Examiner has objected to the disclosure as it contains an embedded hyperlink and/or other form of browser-executable code.

Applicants submit that the hyperlinks and/or browser executable code themselves (rather than the contents of the site to which the hyperlinks are directed) are included in the patent application in part to meet the requirements of 35 U.S.C. § 112, first paragraph, and Applicants do not intend to have those hyperlinks be active links (*see* MPEP 608.01 VII. Examiner note 4). Accordingly, Applicants request that the objection to the disclosure be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 4, 6, 11, 14-15, and 21-23 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Lennon et al. (U.S. Publication No. 2002/0107973, hereinafter “Lennon”).

Applicant respectfully submits that the claims are patentable over the cited reference as the cited reference does not teach or suggest all of the recited features of the claims.

Of these rejected claims, claims 1, 4, 11, 14 and 15 are independent. For example, claim 1 recites, *inter alia*, “a search module for locating a Uniform Resource Locator (URL) using a

unique identifier, wherein the unique identifier is pre-assigned to each program and is in a format of the received external digital content metadata and without further conversion into the metadata peculiar to the network, identifies said URL, said URL accessing a program in the received external digital content metadata.” Applicant respectfully submits that Lennon does not disclose or suggest the above-quoted unique features of claim 1.

Specifically, Applicant thanks the Examiner and the Supervisory Examiner for the courteous in person interview on March 2, 2010. An Examiner’s Interview Summary Record (PTO-413) was given to the Applicant’s Representative after the interview. The PTO-413 requires the Applicant to file a Statement of Substance of the Interview. The Statement of Substance of the Interview is as follows:

During the interview independent claim 1 was discussed in view Lennon. The Examiner further clarified his position and appeared to agree that claim 1, as set forth above, is not suggested by Lennon, which lacks at least the unique identifier of claim 1. Specifically, Lennon discusses that metadata from the legacy database 210 is *dynamically generated* by the metadata server 212 *i.e.*, converted to XML format (*see e.g.*, paragraphs 74, 75, 163). That is, the use of a legacy database in Lennon requires the metadata server 212 to dynamically generate descriptions of legacy content (paragraph 73). Lennon describes “the descriptions of multimedia items, that the metadata server 212 generates, contain links to the corresponding multimedia items stored in a content collection 214” (paragraph 73). Applicants respectfully submit that the dynamic generation of descriptions by the metadata server 212 in Lennon cannot be said to be unique identifiers that is pre-assigned to each program and is in a format of the received external digital

content metadata and without further conversion into the metadata peculiar to the network,
identifies said URL, as recited in claim 1.

Additionally, to the extent that Lennon describes the re-use of queries in paragraphs 158, 191, and 192, such a reuse of requestIDs merely avoids repeating a previous request to thereby continue a previous request, and does not disclose the use of unique identifiers pre-assigned to each program, merely identifiers for each query.

In short, Lennon does not disclose or even remotely suggest the above-quoted unique features of claim 1.

In addition, during the Interview, the Examiner and the Supervisory Examiner agreed that claim 2 in its current form is patentable over Lennon and is subject to further search and consideration.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

Accordingly, Applicants submit that the cited reference does not teach or suggest “a search module for locating a Uniform Resource Locator (URL) using a unique identifier, wherein the unique identifier is pre-assigned to each program and is in a format of the received external digital content metadata and without further conversion into the metadata peculiar to the network, identifies said URL, said URL accessing a program in the received external digital content metadata,” as recited in claim 1.

As the cited reference does not teach or suggest all of the recited features of the claim, claim 1 is patentable over the cited reference. Independent claims 4, 11, 14, and 15 recite similar features to those discussed above with respect to claim 1 and are patentable for analogous

reasons. Claims 6 and 21-23 are patentable at least by virtue of their dependency and for additional features set forth therein.

In addition, Applicant respectfully submits that claims 14 and 15 recite, *inter alia*, “locating a Uniform Resource Locator (URL) using a content reference ID (CRID) in the received external digital content metadata, wherein said URL accesses a relevant content in the received external digital content metadata, and wherein the locating of the URL is performed after said causing”.

The Examiner on page 5 of the Office Action (in regard to claim 2) concedes that Lennon is silent about a Content Reference Identifier (CRID). As Lennon is silent on a CRID, Applicants respectfully submit that Lennon cannot teach or suggest the use of a CRID.

Assuming, *arguendo*, that the Examiner intended to present the rejection for claims 14 and 15 in a manner similar to that of claim 2 based on inherent anticipation, as discussed below regarding claim 2, to the extent that a CRID may be used by TV-Anytime, there is no teaching or suggesting of the use of TV-Anytime or a CRID in Lennon.

Contrary to the Examiner’s assertion regarding claim 2, the use of CRID is not “inherently anticipated” by Lennon (*see* Office Action, page 6). Applicants submit that the concept of “inherent anticipation” requires that the claimed feature be present but not necessarily recognized at the time of the invention. Applicants respectfully note, however, that for such a feature to be present, it must be **necessarily present or required** to be inherent in the reference and not merely possibly present (*see* MPEP 2112 IV).

Accordingly, Applicants submit that TV-Anytime and the use of a CRID are not ***necessarily present or required*** in Lennon and therefore not inherently present in Lennon. The

mere existence, *arguendo*, of one of a multitude of *possible* formats or standards cannot support the conclusion that the standards are necessarily present in the reference. Applicants additionally note “Lennon’s URI *is only one of many ways* as a unique identifier to access the non-XML compliance metadata for a selected program” (Office Action, page 7).

As the recited features of the claim are conceded to be not disclosed in the reference and are not inherently present in the reference, Applicants submit that there is no anticipation, inherent or otherwise of the claims. Accordingly, Applicants request that the rejection of claims 14 and 15 under 35 U.S.C. § 102(e) be withdrawn.

Claim Rejections: 35 U.S.C. § 103 ~ Lennon + AAPA

Claims 2, 7-9, 12, and 17-19 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Lennon in view of Applicant’s alleged admitted prior art (hereinafter “AAPA”).

Applicant submits that the AAPA, alone or in combination, fails to cure the above deficiencies of Lennon, and accordingly, the claims are patentable over the references.

Additionally, as discussed above, to the extent that Lennon discusses that digital metadata content may comply with Dublin Core, MPEG-7, or DIG35, Lennon is silent regarding the use of TV-Anytime, UPnP CDS metadata, or the use of a CRID, as recited in the corresponding claims. Applicants submit that the mere disclosure of three examples, Dublin Core, MPEG-7, or DIG35, *does not dictate that all other standards are necessarily present or required* in Lennon, and therefore are not inherent in Lennon. Accordingly, Applicants submit that the use of TV-Anytime metadata or a CRID, as recited in the claims is not inherent in Lennon.

Accordingly, Applicant submits that the cited references do not teach or suggest all of the recited features of the claims.

Applicant additionally notes that claims 8 and 19 depend from claims 5 and 16, respectively, and claims 5 and 16 are rejected as unpatentable over the combination of Lennon with Sie (see below). Applicant respectfully requests that the rejection of claims 8 and 19 be withdrawn for failure to establish a *prima facie* rejection of claims 8 and 19, or alternatively, the Examiner present a *prima facie* rejection based on the combination of AAPA, Lennon, and Sie, and a corresponding basis for this combination of references, in a new non-final Office Action.

Claim Rejections - 35 U.S.C. § 103

Claims 5 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Lennon in view of Sie et al. (U.S. Publication No. 2002/0199188, hereinafter “Sie”).

Applicant submits that the Sie, alone or in combination, fails to cure the above deficiencies of Lennon, and accordingly, the claims are patentable over the references for at least this reason.

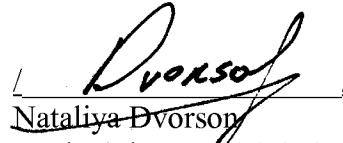
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned Attorney at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
AND STATEMENT OF SUBSTANCE OF INTERVIEW
Attorney Docket No.: Q80481
Application No.: 10/824,435

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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